

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ERIC L. CROCKETT,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-09-960-D
	)	
STATE OF OKLAHOMA,	)	
	)	
Defendant.	)	

**ORDER**

Plaintiff, appearing *pro se* and *in forma pauperis*, filed this case on September 1, 2009, describing it as a “Notice of an attempt to Appeal,” and asking this Court to reverse a burglary conviction in state court.<sup>1</sup>

After carefully reviewing the Complaint, the Court concludes that it lacks jurisdiction to consider Plaintiff’s claims. This Court does not have jurisdiction to review decisions of the state courts. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 283-88 (2005) (citing *Dist. Of Columbia Ct. Of App. v. Feldman*, 460 U.S. 462, 482 (1983) and *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 414-16 (1923)). “A complaint seeking review and reversal of a state-court judgment is properly dismissed.” *Jackson v. Davidson*, 272 F. App’x 722, 723 (10<sup>th</sup> Cir. 2008) (unpublished) (citing *Mann v. Boatright*, 477 F. 3d 1140, 1145 (10<sup>th</sup> Cir. 2007)). Although Plaintiff appears to contend that his constitutional rights were violated in state court, “[f]ederal district courts do not have jurisdiction over challenges to state-court decisions in particular cases arising out of judicial

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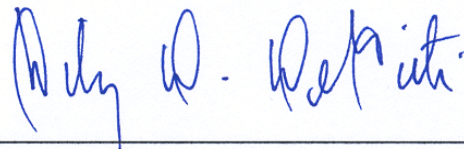
<sup>1</sup>Plaintiff does not identify the court, but provides case numbers which indicate that two cases he references are state criminal matters; he also mentions entering a plea of not guilty at an arraignment in one case, and a subsequent guilty plea in another case.

proceedings even if those challenges allege that the state court's action was unconstitutional." *Van Sickle v. Holloway*, 791 F.2d 1431, 1436 (10<sup>th</sup> Cir. 1986). Instead, Plaintiff must seek relief through the appropriate appellate procedures in the state court system.

Accordingly, the Court concludes that this action must be dismissed for lack of jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1). Because it appears that Plaintiff may be able to pursue appeal rights through the procedures available in the Oklahoma state court system, the dismissal is without prejudice to his right to pursue the same. *Brereton v. Bountiful City Corp.*, 434 F. 3d 1213, 1214 (10<sup>th</sup> Cir. 2006).

This action is DISMISSED upon filing for lack of federal court jurisdiction. Plaintiff's Motion for Hearing [Doc. No. 4] is denied as moot. The dismissal is without prejudice to Plaintiff's right to pursue an appropriate action in the state court system.

IT IS SO ORDERED this 2<sup>nd</sup> day of October, 2009.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE